

## REMARKS

Claims 1-20 are pending in the application. Claims 1-20 stand rejected. The applicant respectfully requests consideration of the following remarks and allowance of the claims.

Claims 1, 2, 8, 9, and 15-17 remain rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,968,130 (Pan). The applicant respectfully disagrees and requests the examiner to reconsider the rejection in view of the following comments.

In the Response to Argument section of the recent final Office action, Pan is mischaracterized as requiring fault protection based on the type of nodes involved in a communication, as required by claims 1, 8, and 16. Column 10, lines 44-60 of Pan are noted in the final Office action as disclosing, where in the event of a fault, POP nodes and switch nodes are configured to implement ring protection for communications between the POP nodes and switch nodes, while implementing mesh protection for communications between the switch nodes.

In particular, Pan does not disclose implementing ring protection between POP nodes and switch nodes and mesh protection between switch nodes. FIG. 3 of Pan discloses a ring topology that utilizes ring protection for signals within the EDFA band and linear protection for signals outside of the EDFA band (Pan, col. 10, lines 15-25). Pan does not distinguish between POP nodes and switch nodes with respect to FIG. 3. In addition, mesh protection is not utilized in FIG. 3 of Pan.

FIG. 4 of Pan discloses a mesh topology that utilizes ring protection between nodes 402, 404, and 406. However, Pan does not distinguish between POP nodes and switch nodes in FIG. 4. Rather, it appears that nodes 402, 404, and 406, which utilize ring protection 450, are switch nodes. None of nodes 402, 404, and 406 appear to be POP nodes. Thus, Pan fails to disclose ring protection between POP nodes and switch nodes, as required by claims 1, 8, and 16.

Claims 1, 6, and 18 also require that, *in the event of a fault*, ring protection is implemented for communications between POP nodes and switch nodes, while mesh protection is utilized for communications between switch nodes. In FIG. 4 of Pan, linear protection is utilized between node 402 and node 410 (Pan, col. 10, lines 26- 60). The linear protection provided in FIG. 4 is not mesh protection implemented *in the event of a*

*fault*, as required by claims 1, 8, and 16. Rather, a signal outside of the EFDA band is received into node 402 and is always duplicated, regardless of whether fault conditions exist. One copy of the signal is sent from node 402 to node 410 via nodes 404, 406, and 408. Another copy of the signal is sent directly from node 402 to node 410. If the link between node 402 and 410 fails, the other copy of the signal will likely survive to reach node 410. Likewise, if any link between nodes 402 and 404, nodes 404 and 406, nodes 406 and 408, and nodes 408 and 410 fails, the other copy sent over the direct link between nodes 402 and 410 will likely survive.

For the aforementioned reasons, claims 1, 8, and 16 are allowable over Pan. The applicant refrains from a discussion of the otherwise allowable dependent claims for the sake of brevity.

A discussion of the rejection under 35 U.S.C. § 103(a) is obviated in view of the discussion above distinguishing Pan.

### **CONCLUSION**

The claims in their present form are allowable over the art of record. The applicant therefore solicits their allowance. The applicant believes no fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 210765.

Respectfully submitted,

/Stephen S. Roche/

**SIGNATURE OF PRACTITIONER**

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